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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,020	04/20/2005	Kjell Lindskog	PAH-104	8970

7590 07/21/2009

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EXAMINER	
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ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
07/21/2009	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/502,020
Filing Date: April 20, 2005
Appellant(s): LINDSKOG, KJELL

Mark P. Stone
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/02/09 appealing from the Office action mailed 10/28/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,884,507	Levy	12-1989
5,705991	Kniffin et al.	01-1998

6,384,709	Mellen et al.	5-2002
6,538,557	Giessl	3-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kniffin et al. US Patent 5,705,991 in view of Mellen et al. US Patent 6384709 and further in view of Levy US Patent 4884507

Regarding claim 1, Kniffin et al. teach of a process of opening a container for the transportation of Valuable objects, in the form of a delivery truck container 62, shown in Figure 4. The container 62 includes the claimed first electronic unit (2), in the form of an access control device 64, which functions to allow opening of the container 62 and guards against unauthorized opening {see Kniffin et al, column 8, lines 15-19}. Kniffin teaches a primary key device use for communicating with the electronic unit in order to initiate opening of the container (col. 3 lines 52-64, col. 8 lines 30-42). Kniffin et al. teaches that in a high security operation the opening of the container at an intended destination requires the presence of two or more users and the two or more users must be detected within a given period of time such as 60 seconds (col. 9 lines 26-37) and the detection of the user is defined as the detection of the key device carried by the user (col.

8 lines 32-35). The detection of the two or more user is therefore considered as the presentation of the code subset and providing a complete code set base on the simultaneous co-action between the first and second user key device. Kniffin is silent on teaching a primary key is carried by a person transporting the container and the container includes means for destroying the valuable objects contained in the container when the container is not open by the correct codeset. Mellen et al. in an analogous art teaches a primary key is carried by a person transporting the container (col. 6 lines 28-37) and the reference of Levy teaches means for destroying the valuable objects or documents contained said in container when said container is manipulated unlawfully (i.e. see Abstract).

It would have been obvious to one of ordinary skill in the art for the primary key is carried by a person transporting the container and the container includes means for destroying the valuable objects contained in the container when the container is not open by the correct codeset as disclosed in Mellen et al. in view of Levy because this improves the security of container by providing an extra level of security.

Regarding 2, Kniffin et al. teach in column 8, lines 44-49, that "the truck senses the absence of an identification device or the absence of an identification device that does not correspond to an authorized stop", which implies that the secondary key, in the form or a proximity card or an electronic key carried by a manager {see Kniffin et al, column 8, lines 32-35+} includes a third electronic unit, in the form of a memory, for storing an authorized location code or identity code of the authorized scheduled stop.

Regarding claim 3, Kniffin et al. teach of a truck delivery schedule comprising of several scheduled stops so that after the first scheduled stop, the process of authentication performed on the first scheduled stop is repeated {see Kniffin et al, column 8, lines 42-43}. It is implied that

the location ID of the second stop differs from the location ID of the first stop, which corresponds to the claimed "there is placed at said destinations secondary keys (20) that have mutually varying code subsets." Also see Kniffin et al, column 9, lines 11-22.

Regarding claim 4, Kniffin et al. teach of limiting the period of authorization in any of the scheduled delivery stops {see Kniffin et al, column 8, lines 55-65}.

Regarding claim 5, Kniffin et al. teach of a delivery truck, which implies limiting the scheduled delivery stops of the truck to geographical land-based area.

Regarding claim 10, claim 10 recites the elements of claim 2 and therefore rejected on the same basis.

Referring to claim 11, Kniffin et al. teach that the system shown in Figure 4 is used in conjunction with authorized scheduled stops at various geographical locations {see Kniffin et al, column 8, lines 62-67 and column 9, lines 14-18}.

Referring to claim 12 recites the limitations of claim 3 and therefore rejected on the same basis, wherein the order of delivery stops in Kniffin et al is considered functionally equivalent to the claimed "respective destination places along a transportation route" {see Kniffin et al, column 8, lines 42-43 and lines 62-65; column 9, lines 11-22+}.

Regarding claims 8-9, claim 8-9 recite the elements of claim 2 except, Kniffin et al does not show a first or second casing, as claimed. It is the examiner's position that ID devices, such as key fobs, are encapsulated in a casing to protect the circuitry of the electronic device from damage is admitted prior art because the appellant did not transverse the examiner's official notice (MPEP 2144.03(c). As such, it would have been obvious to one of ordinary skill in the art,

at the time of applicant's invention, to encapsulate the ID device 70 and proximity card of Kniffin et al in a first and second casing, as shown in Figure 4, because the first and second casing will advantageously be utilized to protect the ID device and proximity card circuitry from damage and protect the user from getting electrocuted, the same way car remote controllers (i.e. key fobs) are protected with a casing.

Referring to claim 13 recites the limitations of claim 10 and therefore rejected on the same basis.

Regarding claims 14-17, claims 14-17 recite the limitations of claim 8 and therefore rejected on the same basis.

Regarding claims 18-20, claims 18-20 recite the limitations of claim 3, wherein the various scheduled stops of the truck are considered as functionally equivalent to the claimed "different geographical destinations" {see Kniffin et al, column 8, lines 42-43 and column 9, lines 11-22+}.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kniffin et al. US Patent 5,705,991 in view of Mellen et al. US Patent 6384709 in view of Levy US Patent 4884507 and further in view of Giessl US Patent 6538557.

Regarding claim 6 and 7, Kniffin did explicitly disclose blocking a lost key and replacing the lost key with a new key. However, at the time of applicant's invention, these claim limitations would have been obvious in the system of Kniffin, to one of ordinary skill in the art because losing a key means that the delivery truck of Kniffin et al cannot be accessed. Giessl, in an analogous art, teaches, "When a key is lost, stolen, or misplaced, then the key should be replaced and blocked" {see Giessl, column 5, lines 56-63+}. Giessl suggests that it is advantageous to block a lost or stolen key because it prevents a thief from using the

stolen key and other keys remain authorized so that the vehicle can continue to be used for access {see Giessl, paragraph bridging columns 1 and 2}.

(10) Response to Argument

Appellant argues on page 6 that Kniffin employs only an intended destination key, but does not require that a delivery person carry the key which acts with the destination key for providing a complete code set for authorized access to the truck. It is the examiner's position that the reference of Kniffin teaches the use of identification tag as a key device and the identification tag is sometimes affixed or implanted in the user (col. 3 lines 52-56). Although the reference of Kniffin is not explicit in teaching the delivery person is required to carry the key device, it is the examiner's position that this represent a conventional practice and the reference of Mellen et al. is relied upon for teaching the delivery person carrying a key device when the delivery person is required to operate the locking mechanism of the container (col. 6 lines 28-37).

Appellant argues on page 6 that the reference of Kniffin is silent on teaching a first and second key must be used simultaneously to properly deactivate the alarm system. It is the examiner's position that the reference of Kniffin teaches that in a high security operation the opening of the container at an intended destination requires the presence of two or more users and the two or more users must be detected within a given period of time such as 60 seconds (col. 9 lines 26-37) and the detection of the user is defined as the detection of the key device carried by the user (col. 8 lines 32-35). The detection of the two or more user is therefore considered as the presentation of the code subset and providing a complete code set base on the simultaneous co-action between the first and second user key device. The reference of Kniffin

further describes an example of the simultaneous detection of a first and second user key device within a period of time of about 5 seconds.

Appellant argues that Kniffin teaches a system requiring several different consecutive set of steps to deactivate an alarm and therefore does not teach the first and second key must be use simultaneously. It is the examiner's position that in all the embodiment of the invention Kniffin teaches access to the secured area is granted based on the presentation of a valid electronic key (col. 2 lines 40-45, col. 6 lines 1-10, col. 7 lines 25-35, col. 8 lines 30-35) and that in certain high security application, the access device required the presence of two or more users before granting access to the secure area (col. 9 lines 26-30).

Appellant argues on page 7 that there is no simultaneous co action between the two user because of the time lapse between the detection of the two users. It is the examiner's position that the appellant provides no description as to how the keys are used simultaneously without a time lapse between the detection of both keys. The appellant specification discloses that the primary key include an operating button 13 (page 2) and the secondary key include an operating button 23 (page 3). It is the examiner's position that one skilled in the art recognizes that it is improbable to detect the activation of the operation button of the primary and secondary key without a time lapse between the detection of the primary and secondary key.

Appellant argues that the reference of Knifin teaches against simultaneous use of both first and second key to deactivate the alarm. It is the examiner's position that the reference of Kniffin provides no such teaching.

Appellant argues that there is no disclosure that the presence of two users in the same location have first and second key with each key including different subset of a codeset. It is the

examiner's position that Kniffin et al. teaches that in a high security operation the opening of the container at an intended destination requires the presence of two or more users and the two or more users must be detected within a given period of time such as 60 seconds (col. 9 lines 26-37) and the detection of the user is defined as the detection of the key device carried by the user (col. 8 lines 32-35). The identification information received from each key device carried by the user is considered as the code subset and the fact that the identification information from the first and second key is required to gain access suggest a simultaneous co-action between the first and second user key device because the combination of the identification.

Appellant argues on pages 8-9 that there is no suggestion to combine the references of Kniffin et al., Mllen et al, and Levy. It is the examiner's position that the reference of Kniffin and Mellen et al. teaches securing the content of a container by only allowing a person with a valid key to gain access to the content of the container. The reference of Levy teaches increases the security of the container by destroying the content of the container when an unauthorized access to the container is detected (abstract). The motivation for combining the reference of Levy with the teaching of Kniffin et al. in view of Mellen et al. is therefore to increase security of the contents of the container and the motivation is provided by the reference of Levy (col. 1 line 32-col. 3 line 9).

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(11) Related Proceeding(s) Appendix

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Vernal U Brown/
Examiner, Art Unit 2612

Conferees:

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612